

REMARKS

Pursuant to the Office Action for the above-identified case mailed October 15, 2004, Applicants submit this Amendment. In this case, Claims 46 to 89 and 131 to 134 are currently pending. Claims 1 to 45 have been canceled previously. Claims 90 to 130 have been withdrawn previously. Claims 46 and 131 to 134 have been amended herein. No new matter has been introduced by the amendments. No fee is believed due in connection with this Amendment, however, please charge Deposit Account No. 02-1818 for any fees owed.

In the Office Action, Claims 46 to 55, 60 to 83, 89 and 131 to 134 were rejected under 35 U.S.C. §102(b) as being anticipated by EP 366 564 (hereinafter "*EP'564*"). Claims 46, 48 to 50, 52, 53, 60 to 89 and 131 to 134 were rejected under 35 U.S.C. §102(b) as being anticipated by WO 96/22115 to Delmotte et al., which is equivalent to US Patent No. 5,989,215 to Delmotte et al. (collectively "*Delmotte*").

Applicants respectfully submit that the claims as presently presented are patentable over *EP'564*. Claims 46 and 131 to 134 have been amended to provide a nonhydrolyzed fibrin network. Regarding Claim 46 and 131 to 134 as presently presented, Applicants submit that *EP'564* fails to disclose or arguably suggest at least a number of features of these claims. For example, Applicants submit that *EP'564* fails to teach or suggest a nonhydrolyzed fibrin network substantially free of unbound fibrinogen covering a portion of a support face. Instead, *EP'564* discloses a fibrin layer having a hydrolyzed surface. (See, *EP'564*, page 7, lines 14 to 44). In fact, *EP'564* is directed towards a hydrolyzed fibrin layer as being essential to the invention because it gives the invention a high antithrombic quality. (See, *EP'564*, page 7, lines 42 to 50). Not surprisingly, *EP'564* fails to disclose anywhere in the specification a fibrin network substantially free of unbound fibrinogen and indeed teaches away from same.

Regarding the anticipation rejection of Claims 46, 48 to 50, 52, 53, 60 to 89 and 131 to 134, Applicants respectfully disagree with and traverse the rejection of these claims in view of *Delmotte* for the reasons set forth below.

Regarding Claims 46 and 131 to 134 as presently presented, Applicants submit that *Delmotte* fails to disclose or arguably suggest a fibrin network covering a portion of a support

face having pores. *Delmotte*, in particular, fails to disclose anywhere in the specification a support with a face having pores for supporting a fibrin network. Rather, *Delmotte* is directed towards a fibrin delivery device used to generate a fibrin film in vivo. (See, *Delmotte*, column 4, line 57 to column 5, line 35). The *Delmotte* fibrin film generated is a self-supporting sheet-like material of cross-linked fibrin. (See, *Delmotte*, column 5, lines 11 to 16). No support is disclosed. Therefore, no support with holes onto which the fibrin network is disclosed or suggested.

The patentability of Claim 46 renders moot the obviousness rejections of Claims 56 to 59 in view of *EP'564* or *Delmotte* and 84 to 88 in view of *Delmotte*.

For at least the above-discussed reasons, *EP'564* and *Delmotte* fail to disclose, teach or suggest the present claims. Accordingly, Applicants respectfully submit that Claims 46 and 131 to 134 and Claims 47 to 89 that depend from Claim 46 are distinguished patentably over *EP'564* and *Delmotte* and respectfully request that the anticipation rejections under 35 U.S.C. §102(b) be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the above-identified patent application is now in condition for allowance and earnestly solicit reconsideration of same. If the Examiner has any questions, Applicants request the Examiner to contact Applicants' attorney signed below.

Respectfully submitted,

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